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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL ORTEGA

Defendant and Appellant.

B214473

(Los Angeles County
Super. Ct. No. LA060611)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Leland B. Harris, Judge. Affirmed.

Gloria C. Cohen, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant Michael Ortega was charged by felony complaint with one count each of possession of heroin for sale (Health & Saf. Code, § 11351),¹ possession of cocaine base for sale (§ 11351.5), possession of cocaine (powder) for sale (§ 11351) and possession of methamphetamine for sale (§ 11378).² He pleaded not guilty to the charges.

Ortega filed a motion to suppress evidence (Pen. Code, § 1538.5), which was heard and denied. According to the hearing evidence, undercover narcotics officers of the Glendale Police Department watched Ortega and codefendants repeatedly enter and leave an apartment, before engaging in illegal drug sales to drivers stopping in an alley behind the apartment. The officers testified that they feared Ortega and codefendants might have been alerted to their presence, and forcibly entered the apartment to prevent the destruction of evidence. Inside the apartment, officers saw an assortment of illegal drugs on a table. They detained Ortega inside the apartment and subsequently arrested him.

The trial court denied the suppression motion, finding no exigent circumstances, but also finding that Ortega failed to establish he had a reasonable expectation of privacy in the apartment. Following the denial of the motion, Ortega entered a negotiated plea of no contest to possession of cocaine base for sale. Imposition of sentence was suspended and Ortega was placed on three years formal probation. The remaining charges were dismissed on the People's motion, pursuant to the plea agreement.

Ortega timely filed his notice of appeal, limited to challenging the denial of his motion to suppress evidence, which did not require him to file a certificate of probable cause. (See Pen. Code, § 1237.5)

We appointed counsel to represent Ortega on appeal.

¹ Statutory references are to the Health and Safety Code, unless otherwise indicated.

² Ortega's five codefendants are not parties to this appeal.

After examination of the record counsel filed an opening brief in which no issues were raised. On August 13, 2009, we advised Ortega he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied Ortega's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

ZELON, J.

We concur:

WOODS, Acting P. J.

JACKSON, J.